



DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES

Report on Restrictive Housing – Fiscal Year 2021

Fulfilling Reporting Requirements Correctional Services Article,
§ 9-614, Annotated Code of Maryland

December 2021

Governor Lawrence J. Hogan
Lt. Governor Boyd K. Rutherford
Secretary Robert L. Green

Table of Contents

Executive Summary	2
Introduction	3
Overview – Restrictive and Special Housing	4
DPSCS Population and Use of Restrictive Housing	5
Figure 1: Inmates on Restrictive Housing Since 2018	5
Figure 2: Placements on Restrictive Housing Since 2018 (Revised)	6
Length of Placements	6
Table 1: Restrictive Housing Placement Lengths (Days)	7
Figure 3: Placement Length Changes Over Time	8
Restrictive Housing Demographics	9
Race and Gender Breakdown	9
Table 4: Men in Restrictive Housing by Race	9
Table 5: Women in Restrictive Housing by Race	9
Age and Gender Breakdown	10
Table 6: Men in Restrictive Housing by Age	10
Table 7: Women in Restrictive Housing by Age	10
Restrictive Housing by Facility	11
Table 8: FY 2021 Year End Sentenced Population by Facility	11
Specialty Populations	12
Inmates with Serious Mental Illness	12
Restrictive Housing During Pregnancy	12
Inmate Deaths, Self-Harm and Attempted Self-Harm	12
Table 9: Inmate Deaths and Self Harm	12
Direct Releases from Restrictive Housing	13
Table 10: Releases While on Restrictive Housing	13
Figure 4: Breakdown of Direct Releases 2018-2021	13
Restrictive Housing Policy and Procedure	14
Conclusion	14
Appendix A: Historical Revision of Restrictive Housing Data Processing	15

Executive Summary

- In FY 2021, the Department decreased its usage of restrictive housing by 15.6%.
 - In FY 2021, 3,384 individuals were impacted by restrictive housing at some point in their time in custody, 909 fewer than in the prior year.
 - The Department's use of disciplinary segregation has fallen by 22.3% in FY 2021, and the placement length has fallen by 3.2 days. The department has reduced the average length of disciplinary segregation placements by nearly 48% in three years.
 - In FY 2021, the average length of placements on any form of restrictive housing was 49.2 days, with the median of 30 days. This is 5.7 days longer overall than the prior year. This reversal of trend is driven by longer administrative segregation placements.
 - In FY 2021, there was a 31% increase in the number of inmates released directly from restrictive housing. The continued trend is that these releases are predominantly from administrative segregation.
 - The Department still does not place pregnant women in restrictive housing.
 - A minority of the population (22%) with serious mental illness (SMI) was placed on any restrictive housing. In FY 2021, there was a 7% increase in the number of inmates with SMI placed on some restrictive housing.
 - Despite the challenges of initial adjustment to detention during the COVID-19 pandemic, the Department saw fewer suicidal attempts (-30%) and gestures (-41%) among the population on restrictive housing. There was no change in the number of suicides.
-

Introduction

Chapter 596 of the Acts of the 2016 Maryland General Assembly enacted Senate Bill 946 (SB 946), Correctional Services – Restrictive Housing – Report as Correctional Services Article, § 9-614, Annotated Code of Maryland. This statutory requirement directs the Department of Public Safety and Correctional Services (Department) to submit a report containing the preceding year’s restrictive housing data to the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPVYS) for publication on the agency’s public website.

Correctional Services Article, § 9-614, Annotated Code of Maryland requires the Department to report the following restrictive housing data elements:

- The total population of the correctional facility;
- The number of inmates who have been placed in restrictive housing during the preceding year by age, race, gender, classification of housing, and the basis for the inmate’s placement in restrictive housing;
- The Department’s definition of “serious mental illness” and the number of inmates with serious mental illness that were placed in restrictive housing during the preceding year;
- The number of inmates known to be pregnant when placed in restrictive housing during the preceding year;
- The average and median lengths of stay in restrictive housing of the inmates placed in restrictive housing during the preceding year;
- The number of incidents of death, self-harm, and attempts at self-harm by inmates in restrictive housing during the preceding year;
- The number of inmates released from restrictive housing directly into the community during the preceding year;
- Any other data the Department considers relevant to the use of restrictive housing by correctional facilities in the State; and
- Any changes to written policies or procedures at each correctional facility relating to the use and conditions of restrictive housing, including steps to reduce reliance on restrictive housing.

This report includes restrictive and specialized housing data for fiscal year (FY) 2021, supplemental data points, and amended historical figures since FY 2018 to allow for historical trend comparison. (See [Appendix A](#)) This report was prepared with the same methodology of the FY 2020 report.

Overview – Restrictive and Special Housing

The Department's correctional facilities use four types of restrictive housing.

- **Administrative Segregation** means that an inmate is confined to their assigned cell and retains many of the privileges allowed within the general population. Administrative segregation is used when an inmate requires close observation by correctional staff or limited segregation from the general population. Administrative segregation is utilized to ensure the safety and security of the inmate, staff, the general inmate population, and the facility. Administrative segregation pending adjustment hearing is a common use while inmates await a disciplinary hearing for an infraction.
- **Disciplinary Segregation** means that an inmate is removed from the general inmate population and confined to a cell in a restricted housing unit. Inmates assigned to disciplinary segregation have certain privileges restricted in an effort to modify behavior. Disciplinary segregation is used for inmates found guilty by a hearing officer at an adjustment hearing for violating Departmental rules, institutional rules, or both.
- **Maximum II Structured Housing (MIISH)** means a securely controlled four stage step-down program for the Department's most frequently violent and dangerous inmates who are repeatedly placed on disciplinary segregation. The structured program encourages a reduction in violent behaviors through incentive based programming. As an inmate progresses through the program's stages privileges are incrementally restored as an incentive for good behavior. The goal of the structured program is to prevent long-term assignment to disciplinary segregation by stabilizing violent inmates; and when possible, return them to the general population.
- **Serious Mental Illness (SMI) Structured Housing** is designed to provide a continuum of care and least restrictive environment consistent with institutional safety and security for those inmates with a diagnosed Serious Mental Illness (SMI), who might reasonably be expected to gain benefit from a structured program, and who earn repeated disciplinary segregation due to violent and/or dangerous behavior.

The Department uses two types of specialized housing for vulnerable inmates.

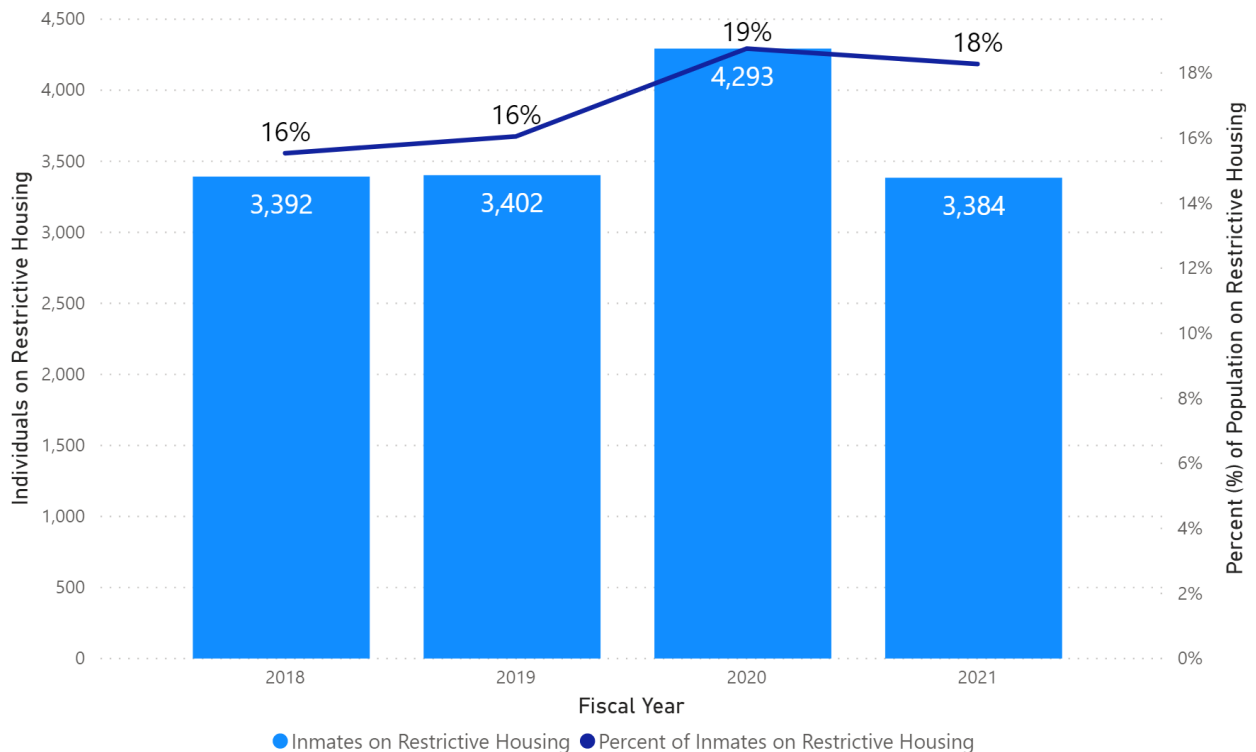
- **Protective Custody** is a special housing status for inmates who require protection for safety reasons, and includes separation from inmates assigned to general population. Inmates in protective custody have the same privileges as inmates in general population.
- **Special Needs Unit (SNU)** is a special housing status designed to manage inmates diagnosed with a serious mental illness in the least restrictive environment possible. The goal of the SNU is to stabilize and provide treatment to SMI inmates; and when possible, return the inmates to the general population with aftercare and ongoing support. Special

Needs Units are operated as general population tiers with a special designation. These units offer more intensive mental health services.

DPSCS Population and Use of Restrictive Housing

Over the course of fiscal year (FY) 2021, the Department's Division of Correction housed a total of 18,516 inmates, 19% lower than the year prior.¹ The Department's average daily inmate population (ADP) in fiscal year (FY) 2021 was 15,561, a rate 14.8% lower than in FY 2020. The male inmate ADP for FY 21 was 15,053 and the female inmate ADP for FY21 was 508. The period in question was entirely impacted by the COVID-19 pandemic, as programming and movement was interrupted or occurring on a modified schedule. The permanent need for quarantine and isolation spaces affected space availability for programming and out of cell activities.

Figure 1: Inmates on Restrictive Housing Since 2018



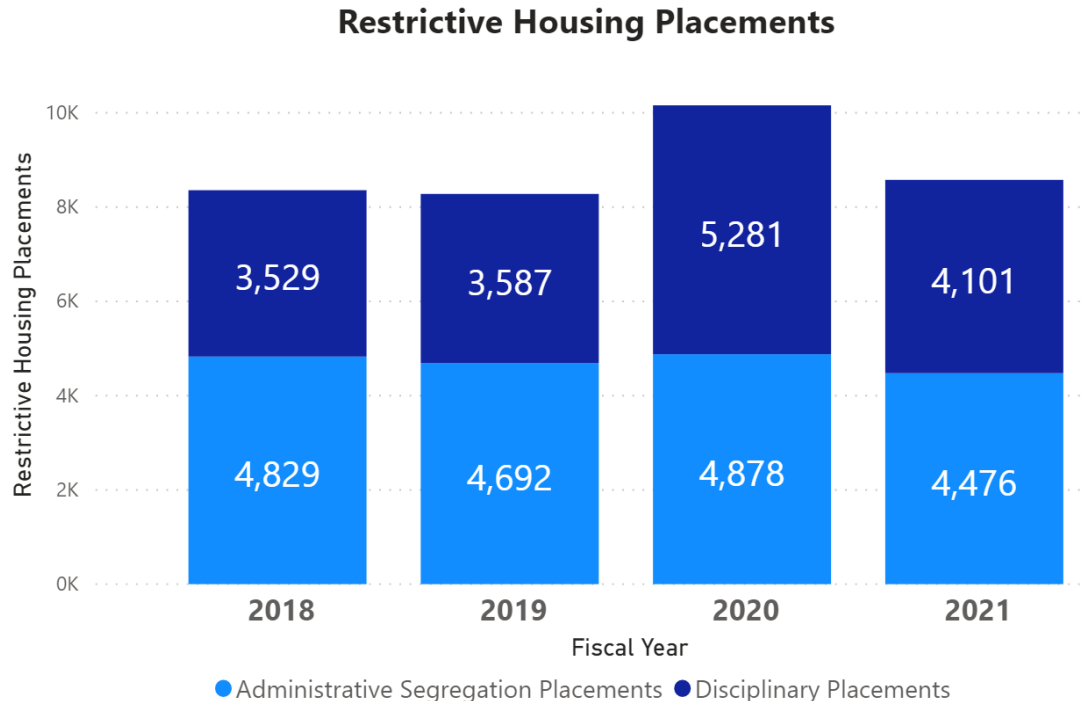
In FY 2021, 3,142 individuals were placed on administrative segregation, and 2,506 individuals were placed on disciplinary segregation. Some of these inmates were placed on both

¹ For the purposes of this report, individuals housed include all possible sentenced inmates during FY 2021. This is calculated by combining individuals in custody at the end of FY 2020, all sentenced intakes processed within FY 2021, and all returns to custody within FY 2021. In order to maintain consistency in combined reporting, this report does not include individuals in federal detention or pretrial detainees within DPSCS' system.

administrative segregation and disciplinary segregation during the year. When a major rule violation is committed, an inmate is placed on administrative segregation pending adjustment until the hearing. Upon a guilty finding, inmates are either placed on disciplinary segregation or returned to the general population, creating overlap of individuals between these placements. Taking into account this overlap factor, the Department placed 3,384 individuals on restrictive housing. It is important to note that some inmates were placed on restrictive housing more than once during the reporting period. In total, the 3,384 individuals placed on any restrictive status represent 18% of the population in Division of Correction custody during FY 2021.

In FY 2021, there were 8,577 placements on restrictive housing: 4,476 placements (52%) on administrative segregation and 4,101 placements (48%) on disciplinary segregation. This represents a 22% reduction in the usage of disciplinary segregation, and a return towards the Department's pre-COVID baseline. It is important to note that this level of disciplinary segregation usage is near one third of what was previously estimated. Additionally, administrative segregation placements decreased by 8%, and administrative segregation once again became the primary type of restrictive housing used. As outlined in the overview, administrative segregation does not entail the same restriction of privileges as disciplinary housing, and can serve the purpose of inmate or facility safety, as needed or requested.

Figure 2: Placements on Restrictive Housing Since 2018 (Revised)



Length of Placements

In FY 2021, the average length of disciplinary segregation increased by 3.9 days from FY 2020, resulting in 49.2 days served per placement. The following chart displays the average and median length of time, in days, for FY 2021 restrictive housing placements:

Table 1: Restrictive Housing Placement Lengths (Days)

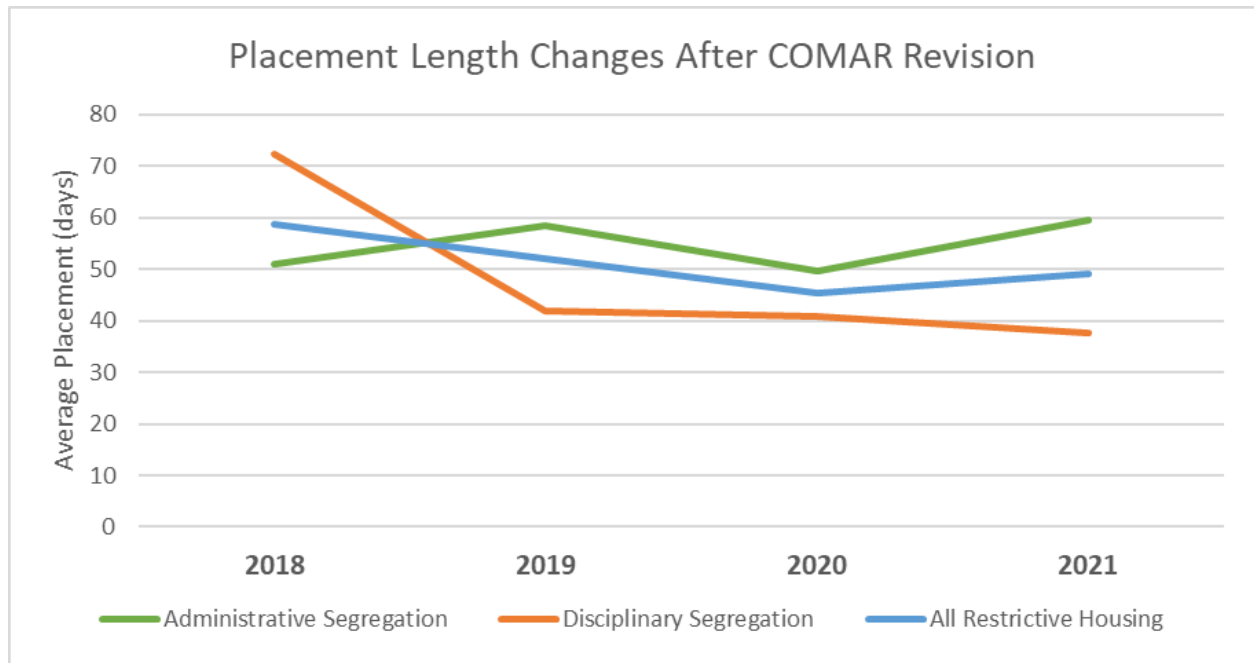
Placement Type	Average	Median	Annual Change
Restrictive Housing	49.2	30	+3.90
Administrative Segregation	59.6	30	+9.90
Disciplinary Segregation	37.6	30	-3.20

This is a reversal of a three year trend since the COMAR changes took effect in FY 2018. It is important to note that this change in length of placement is driven by a large increase in the length of administrative placements. This may have been caused by longer than typical time awaiting a hearing, or preventative restricted inmate movement between facilities. It is nonetheless important that any changes during COVID did not lead to more or longer placements on disciplinary segregation.

Some individuals may be on administrative segregation for security and safety reasons, and inmates have the opportunity to request placement on administrative segregation. Inmates may also choose to remain on administrative segregation after administrative segregation review by an interdisciplinary team of facility staff every 30 days. Inmates on administrative segregation have the same access to video visitation, social work, mental health treatment as the general population, a key consideration for those released directly from this housing status.

Disciplinary segregation placement length has continued to decrease since the practice of subsequent sanctions was reformed. Additionally, when an inmate is found guilty of an infraction, their disciplinary segregation effective date is the first day of their administrative segregation pending adjustment. This practice minimizes the period of segregation by applying the time spent under administrative segregation to the sanction length received. Because of this status conversion, not all individuals with disciplinary segregation placements were subject to disciplinary restrictions for the duration of their stated placement time.

Figure 3: Placement Length Changes Over Time



Restrictive Housing Demographics

Race and Gender Breakdown

The following charts present the racial summary and age summary by gender for the total FY 2021 inmate population in comparison to those inmates placed on restrictive housing. In FY 2021, 96.7% of the average daily population were men and 3.2% were women.

Table 4: Men in Restrictive Housing by Race

Race	% of Total Population² <i>n</i> = 17,785	% Administrative Segregation <i>n</i> = 1,530	% Disciplinary Segregation <i>n</i> = 2,382
Black	71.59%	68.90%	78.07%
White	22.10%	26.89%	16.41%
Latino	4.44%	-	-
Other	1.04%	-	-
Native American or Alaskan Native	0.45%	0.45%	0.67%
Asian	0.31%	0.03%	0.13%
Native Hawaiian or Pacific Islander	0.07%	-	0.04%

Table 5: Women in Restrictive Housing by Race

Race	% of Total Population³ <i>n</i> = 728	% Administrative Segregation <i>n</i> = 28	% Disciplinary Segregation <i>n</i> = 116
Black	50.75%	68.75%	61.54%
White	45.16%	25.00%	34.19%
Other	1.64%	-	-
Latino	1.64%	-	-
Native American or Alaskan Native	0.41%	-	-
Asian	0.41%	2.08%	0.85%
Native Hawaiian or Pacific Islander	-	-	-

² The total men's housed population was 17,785 for FY 2021. Of those, 1,530 were on administrative segregation, and 2,382 were on disciplinary segregation.

³ The total women's housed population was 728 for FY 2021. Of those, 28 were on administrative segregation, and 116 were on disciplinary segregation.

Age and Gender Breakdown

The following charts present the age category summaries by gender for the total FY 2021 inmate population in comparison to those inmates placed on restrictive housing. Colors indicate where the highest percentage of the population falls by race, dark red indicates age cohorts with the highest percentage of the population, and dark blue indicates the lowest. Population subtotals are provided for each category as a reference.

Table 6: Men in Restrictive Housing by Age

Age Ranges	% of Total Population	% Administrative Segregation	% Disciplinary Segregation
Under 18	0.00%	0.00%	0.00%
18 to 25	11.06%	10.71%	20.30%
26 to 30	17.17%	21.88%	25.41%
31 to 35	17.77%	24.21%	21.98%
36 to 40	14.83%	16.54%	13.98%
41 to 50	19.19%	14.95%	11.01%
51 to 60	13.42%	10.13%	5.61%
Over 60	6.49%	1.49%	1.63%

A majority of the Department's sentenced population is between the ages of 31-50. Among men, placements onto restrictive housing are most common within the 26 to 35-year old cohort. Trends among women generally skew older than the trends amongst men. Women between the ages of 31-35 are the majority of disciplinary segregation.

Table 7: Women in Restrictive Housing by Age

Age Ranges	% of Total Population	% Administrative Segregation	% Disciplinary Segregation
18 to 25	9.14%	12.50%	16.24%
26 to 30	18.42%	27.08%	22.22%
31 to 35	23.87%	33.33%	32.48%
36 to 40	14.05%	12.50%	12.82%
41 to 50	20.33%	12.50%	12.82%
51 to 60	10.50%	2.08%	3.42%
Over 60	3.68%	-	-

Restrictive Housing by Facility

Some facilities due to their design and security classification, do not house individuals in a restrictive housing setting, or had no inmates on restrictive housing at the time of measurement, and are not listed below. Facilities with higher security levels house individuals with a higher threat level and risk of committing infractions, and tend to have a higher percentage of restrictive housing. The table below represents a point in time snapshot of placements at FY 2021 end, which cannot be replicated in cumulative, year-long reporting. At the date of capture, which falls during seasonal population peaks, the total number of individuals on restrictive housing represented 8.8% of the total sentenced population, compared to the 18% cumulative measure for FY 2021.

Table 8: FY 2021 Year End Sentenced Population by Facility

Facility	Security Level	EOM Population	Administrative Segregation	Percent Admin	Disciplinary Segregation	Percent Disciplinary
DRCF	Minimum	681	2	0.3%	1	0.1%
ECI-E ⁴	Medium	1,086	76	7.0%	5	0.5%
ECI-W	Medium	1,082	6	0.6%	38	3.5%
JCI	Administrative	1,534	44	2.9%	20	1.3%
MCIH	Medium	907	29	3.2%	24	2.6%
MCIJ	Medium	669	31	4.6%	32	4.8%
MCIW	Administrative	425	10	2.4%	24	5.6%
MCTC	Minimum	1,880	174	9.3%	55	2.9%
NBCI	Maximum II	1,094	107	9.8%	105	9.6%
PATX	Maximum I	571	49	8.6%	25	4.4%

⁴ ECI is one facility broken into two separate compounds. For Security purposes ECI-E is used to house ECI Administrative and Admin PC inmates. ECI-W is used for Disciplinary Segregation. The small number of admins on the west and Disciplinary on the east is due to those awaiting hearings or who have not yet been moved.

RCI	Medium	1,451	82	5.7%	35	2.4%
WCI	Maximum I	1,529	91	6.0%	75	4.9%
Total		12,909	701	5.4%	439	3.4%

Source: Offender Case Management System, June 30, 2021 Snapshot

Specialty Populations

Inmates with Serious Mental Illness

The Department defines Serious Mental Illness (SMI) in accordance with the Code of Maryland Regulations (COMAR) 10.21.17.02 (76). In FY 2021, the Department treated approximately 338 inmates diagnosed with a SMI. In FY 2021, 73 individuals with SMI (22%) were placed on restrictive housing. Of those, 37 were placed on administrative segregation, and 55 were placed on disciplinary segregation. Over the year, 19 inmates were placed on both.

Restrictive Housing During Pregnancy

In FY 2021, there were no pregnant women placed on restrictive housing. It is the policy of DPSCS to never place a pregnant woman on restrictive housing.

Inmate Deaths, Self-Harm and Attempted Self-Harm

The following chart displays suicidal gestures, attempts, and deaths occurring in FY 2021 while placed on restrictive housing:

Table 9: Inmate Deaths and Self Harm

Population	Suicidal Gestures	Attempted Suicides	Suicides	Other Deaths
All Inmates	49	25	4	73
All Restrictive Housing	6	0	1	2
Administrative Segregation	2	0	1	2
Disciplinary Segregation	4	0	0	0

Direct Releases from Restrictive Housing

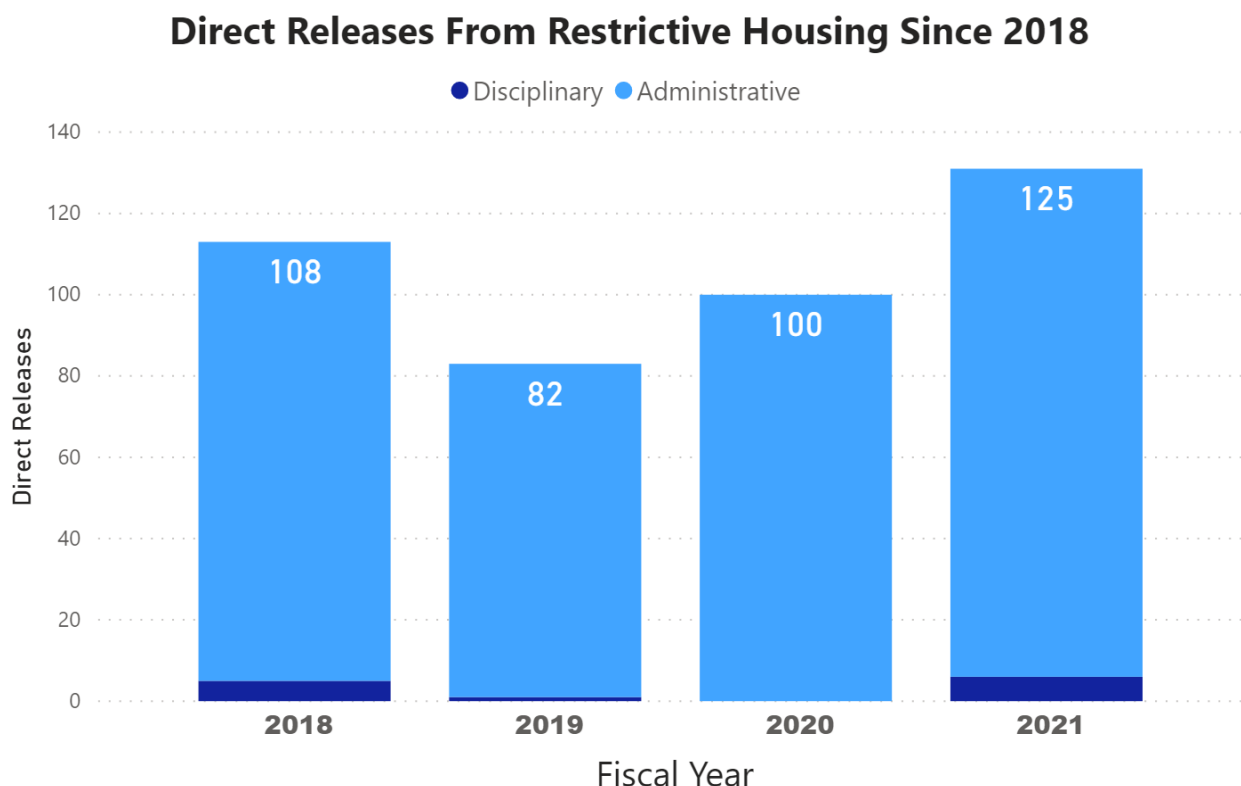
The following chart displays the number of inmates released directly from restrictive housing in FY 2021 with the average and median length of time, in days.

Table 10: Releases While on Restrictive Housing

Housing	Releases	Average Placement	Median Placement
Restrictive Housing	131	91.6	79
Administrative Segregation	125	94.9	143
Disciplinary Segregation	6	23.3	20

One trend in direct releases has been consistent over the last four years, the predominance of releases from administrative segregation. This trend exists alongside the rise in administrative placement length. The following chart displays the breakdown of inmates released directly from restrictive housing, most of which (97%) has been from administrative segregation.

Figure 4: Breakdown of Direct Releases 2018-2021



In FY 2021, normal movement for management of security threat groups (STG) was impacted by COVID quarantine and movement policy. Inmate movement is a normal correctional function to manage facility safety and conflicts between inmates within a population. Transfers between facilities were restricted or lowered for all of the captured period, which can have an impact on

the length of time spent on administrative segregation. Both the overall increase in length of placement and the limited ability to transfer prior to release are two significant operational contributors to the increase in direct releases from administrative segregation.

Restrictive Housing Policy and Procedure

The revisions to the inmate disciplinary process specified in *COMAR 12.03.01.24D* have had a continued impact on lowering the length of placements, specifically on disciplinary segregation, which have decreased by 47.9% since 2018. The Department has continued its operation of the Maximum II Structured Housing (MIISH) program at North Branch Correctional Facility and specialized housing unit for inmates with SMI to address those individuals most likely to engage in continual noncompliant behavior that are still impacted by graduated sanctions even under the revisions of COMAR.

There were no changes in restrictive housing policy in FY 2021, but all facility practices were impacted by new COVID protocols. Compared to FY 2020, all of FY 2021 was conducted with facilities in some level of COVID-19 mitigation posture.

Conclusion

The COVID-19 pandemic created unique challenges in correctional operations, but the solutions to those challenges stand to benefit all inmates within the Department's custody. Over the first full year of the pandemic, the Department has rapidly developed the infrastructure for maintaining remote visitation and expanded its ability to provide programming remotely. Improvements in staffing and the implementation of remote programming and visitation have both been necessary steps to expanding offerings for the population on restrictive housing.

Improvements in tracking restrictive housing place the Department in a much better position to monitor outcomes of reforms and target re-entry enhancements effectively. As operations during the COVID-19 pandemic begin to stabilize and restrictions on movement are eased, the Department can look toward taking more deliberate steps to pilot time-in-cell reduction in FY 2022. Enhanced data collection to monitor the outcomes of these efforts will remain a priority.

Appendix A: Historical Revision of Restrictive Housing Data Processing

In prior reporting years, the Offender Case Management System (OCMS) primary assignment history data was used to process administrative segregation and disciplinary segregation. Beginning in FY 2020, figures were revised as this method overstated the prevalence of disciplinary segregation. Because of the way primary assignment records are modified when additional segregation is sanctioned due to new guilty infractions or reduced due to a warden's decisions, the methodology used in prior annual reports was abandoned after FY 2019. For this report, and all future reporting, disciplinary segregation is determined by processing an inmate's infraction history data, which is a more accurate method made available by additional data development. Administrative segregation can only be processed using the primary assignment history, and is still drawn from that source for annual reporting, but does not face the same modification issues.

The table below provides core report numbers processed using the new method for the previous fiscal years so that they can be consistently compared. These figures are referenced throughout the report.

Measurement	FY 2018	FY 2019	FY 2020	FY 2021
Total Inmates Housed During the Fiscal Year	21,835	21,197	22,895	18,516
Administrative Segregation Placements (Unique Inmates)	3,602	3,613	3,892	3,142
Disciplinary Placements (Unique Inmates)	1,952	2,106	3,037	2,506
Restrictive Housing (Unique Inmates)	3,392	3,402	4,293	3,384
Administrative Segregation Placements	4,829	4,692	4,878	4,476
Disciplinary Placements	3,529	3,587	5,281	4,101
Restrictive Housing- All Placements	8,358	8,279	10,159	8,577
Restrictive Housing Placement Length (Avg)	58.6	52	45.3	49.2
Administrative Segregation Placement Length (Avg)	50.9	58.5	49.7	59.6
Disciplinary Segregation Placement Length (Avg)	72.2	42	40.8	37.6
Inmate Released from Restrictive Housing	113	83	100	131